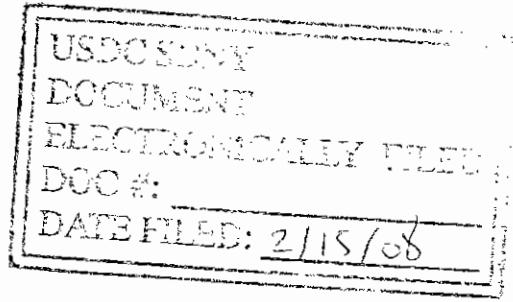
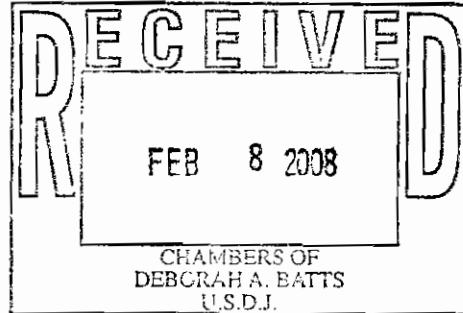


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**MEMO ENDORSED**

February 6, 2008



BY HAND

Hon. Deborah A. Batts  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 2510  
New York, NY 10007

Re: *Third Church of Christ, Scientist, of New York City v. The City of New York and Patricia J. Lancaster, in her official capacity as, Commissioner of the New York City Department of Buildings*

Case No. 07 Civ. 10962

Dear Judge Batts:

This office represents non-parties Civitas Citizens, Inc. ("Civitas") and Defenders of the Historic Upper East Side ("Defenders"). By this letter, we respectfully request that Civitas and Defenders be granted leave to file the annexed *amici curiae* brief, for the benefit of the Court and in opposition to Plaintiff's request for a preliminary injunction.

This case involves the specific issue of whether a church in a residential zone that leases its land and building to a commercial catering establishment for thirty years and grants the commercial caterer virtually complete control over the church premises, for the purpose of raising money, can be excepted from zoning and land use laws by virtue of the "substantial burden" and "equal terms" provisions of the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). Due to the significant zoning and religious land use issues that are presented here, this case raises critical concern for regional and national property owners, local governments and the planning profession. The ultimate outcome of this case will likely have an impact upon zoning and land use throughout the country.

As more fully explained in the annexed brief, Civitas and Defenders are local organizations with particular knowledge of New York City zoning and land use laws, as well as

**MEMO ENDORSED**

*denied  
DAB  
2/14/08*

Hon. Deborah A. Batts  
February 6, 2008  
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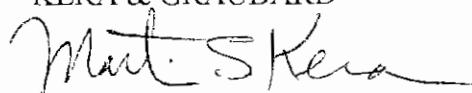
MEMO ENDORSED

the neighborhood in which Plaintiff sits. Civitas has, over its twenty-seven year existence, commissioned numerous zoning studies, written a zoning handbook and played an instrumental role in effecting zoning changes in the Upper East Side. Defenders' members have decades of experience in protecting the Upper East Side's historic character and providing sophisticated technical zoning assistance. Their collective goal is to ensure the zoning laws are properly enforced and/or changed to preserve and protect the Upper East Side of Manhattan. The unique perspective of these community groups may be helpful to the court in rendering its determination.

Respectfully submitted,

MEMO ENDORSED

KERA & GRAUBARD



Martin S. Kera (MSK 9405)

Encl.

cc: Victor Kovner, Esq. (by hand w/encl.)  
Ave Maria Brennan, Esq. (by hand w/encl.)

SO ORDERED

  
DEBORAH A. BATTTS 2/14/08  
UNITED STATES DISTRICT JUDGE